

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 546 OF 2022

Kavita Yuvraj Sharma Nee
Kavita Ramlakhan Sharma

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. R.M.Upadhyay for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Gaonkar, PSI, Amboli Police Stn.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 29th MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No. 515 of 2020 registered with Amboli Police Station for the offences under Section 420, 465, 467, 468, 471 r/w. 34 of IPC.

2. Heard Mr. Upadhyay, learned Counsel for the Applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Vaibhav Hanmant Gurav, PSI, Amboli Police Station. The FIR reveals that on 12.12.2020, while the Complainant was on patrolling duty, he had seen one person moving around in suspicious manner. Upon

inquiry, he disclosed his name as Yuvraj Sharma(co-accused) . He had shown his Pan Card to establish his identity and had agreed to produce the Aadhar Card and other documents before the police station.

4. On 14.12.2020, the co-accused was once again seen moving around in suspicious manner, near BMC Garden. He was found in possession of fake pan card and Aadhar Card. The co-accused was taken into custody, and in the course of interrogation he disclosed that he is from Nepal, and that the said Aadhar Card and Pan Card, were prepared by the Applicant who is his friend.

5. By order dated 08.03.2022, this Court had granted interim bail to the Applicant, since apart from the statement of the co-accused there was no prima facie material to indicate that the Applicant was involved in forging the said documents.

6. Learned Counsel for the Applicant states that pursuant to the said order, the Applicant has reported to the Investigating Officer and she has been interrogated. Learned APP concedes that till date, apart from the statement of the co-accused, there is no other material to show the involvement of the Applicant in preparing the said forged Pan Card and Aadhar Card. In view of the said statement, in my considered view, this is not a case which would warrant custodial interrogation. Moreover, the Applicant is a citizen of this Country, and as such there is no possibility of the Applicant absconding, or thwarting the course of

justice. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.515 of 2020 of Amboli Police Station, the Applicant be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer. One of the two sureties shall be a local surety.
- (ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicant shall provide her permanent as well as temporary address, if any, and her contact details to the Investigating Officer.
- (iv) The Applicant shall not change her residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the witnesses in any manner.

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(ANUJA PRABHUDESSAI, J.)